

Patent
071949-1307**REMARKS**

The present invention relates in part to immunoassay devices comprising elements for the controlled flow, delivery, incubation, separation, washing and other steps of the assay process. The devices of the present invention can provide advantageous capture efficiencies and sensitivities for the assay of plurality of target molecules.

Claims 74-84 and 92-100 are presently pending. Applicant respectfully requests reconsideration of the claimed invention in view of the foregoing amendments and the following remarks.

35 U.S.C. § 102

Claims 74-84 and 92-100 have been rejected under 35 U.S.C. § 102(e) as anticipated by Winkler *et al.*, U.S. Patent No. 6,040,193 ("the '193 patent"). According to the Examiner, the '193 patent is prior art to the instantly claimed subject matter only because the instant claims are allegedly entitled to priority to parent application serial no. 08/865,528, filed May 19, 1993, but not to parent application serial no. 887,526, filed May 21, 1992. The Examiner indicates that priority to application serial no. 887,526 (now U.S. Patent no. 5,458,852; "the '852 patent") was considered but was denied because '852 patent allegedly "lacks the concept of a hydrophilic capture zone having receptors immobilized thereto delineated by a hydrophobic zone." Paper No. 26, page 2. The rejection is respectfully traversed.

Applicant directs the Examiner's attention to the '852 patent, at column 11, lines 44-48, wherein it is stated that "the diagnostic element 6 is hydrophilic but the areas adjacent to the diagnostic element 6 are hydrophobic, such that the reagents of the assay are directed through only the hydrophilic regions of the diagnostic element." It is respectfully submitted that this passage clearly contemplates the teaching allegedly missing from the '852 patent which was the basis for denying priority of the claims to May 21, 1992. Because priority of the claims to May 21, 1992 is proper, Applicant respectfully submits that the '193 patent (Winkler *et al.*) is not effective prior art to the instant claims. Accordingly, the rejection for anticipation over Winkler *et al.* is without basis and should be withdrawn.

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CONCLUSION

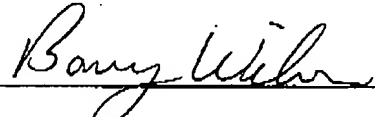
Applicant respectfully submits that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

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